

FILED  
08 JUL 22 PM 12:49  
RICHARD W. WIEKING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREGORY L. BROWN  
J-82241  
P.O. Box 5246  
CORCORAN, CA 93312

ORIGINAL

(PR)

United States District Court  
Northern District of California MMC

GREGORY L. BROWN,  
Petitioner,

CY 08

3502

GREG'S Motion For An  
Appointment Of  
Counsel

V.

Ken Clark, Warden,  
Respondent.

(28 U.S.C. sec. 1915(e)(1))

Declaration of Gregory L. Brown

I, GREGORY L. BROWN, declare that:

1.) I am the petitioner in the above entitled  
action. I make this declaration in support of  
this motion for appointment of counsel.

2.) I am filing a late federal petition for  
writ of habeas corpus due to recent and newly  
discovered evidence that support my claim of

1 ACTUAL INNOCENCE IN THE CRIME OF CONSPIRACY TO  
2 COMMIT MURDER AND ATTEMPTED MURDER OF ROBIN  
3 WILLIAMS. MOREOVER, I MAINTAIN THAT MY  
4 CONVICTIONS ARE A DIRECT RESULT OF FUNDAMENTAL  
5 CONSTITUTIONAL ERRORS AND A MISCARRIAGE OF  
6 JUSTICE ARISING FROM PROSECUTORIAL MISCONDUCT AND  
7 INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL. INDEED,  
8 THE PETITION CONTAINS CLAIMS OF PROSECUTORIAL MISCONDUCT;  
9 INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL; INEFFECTIVE  
10 ASSISTANCE OF APPELLATE COUNSEL; JUROR GAVE FALSE  
11 ANSWERS AND MISTEADING STATEMENTS DURING VOIR DIRE;  
12 AND THE CONVICTIONS REST UPON LESS THAN PROOF BEYOND  
13 A REASONABLE DOUBT OF EVERY ELEMENT OF THE CRIME  
14 CHARGED, AND DEMONSTRATES THE CAUSE AND PREJUDICES  
15 OF EACH CLAIM.

16 3.) I AM INNOCENCE OF THE CRIMES CHARGED  
17 AND HAVE BEEN UNLAWFULLY CONVICTED THEREOF AND  
18 BEEN IN PRISON SINCE 1995 REGARDING THEM.

19 4.) I AM UNABLE TO AFFORD COUNSEL AND  
20 LACK THE LEGAL TRAINING TO PROPERLY REPRESENT MYSELF  
21 IN THE HABEAS PROCEEDING. I HAVE REQUESTED  
22 LEAVE TO PROCEED IN FORMA PAUPERIS.

23 5.) I AM PRESENTLY IN PRISON AT THE  
24 CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY &  
25 STATE PRISON (SATF-COR.) IN CORCORAN, CA. AT THIS  
26 PRISON, PRISONERS ARE ONLY ALLOWED TWO HOURS PER  
27 WEEK OF DISCRETIONARY ACCESS TO THE LAW LIBRARY  
28 AND ITS RESOURCES.

1 6.) The habeas petition contains complex  
2 legal issues which requires significant research  
3 and investigation and some one trained in law to  
4 untangle the factitious conspiracy and attempted  
5 murder charge, as it pertains to me, and  
6 articulate the fundamental constitutional errors  
7 and the miscarriage of justice which derived  
8 therefrom and caused my unlawful convictions.

9 7.) For the above reasons, along with the  
10 record in this case, I should be represented by  
11 effective assistance of counsel in this habeas  
12 proceeding.

13 8.) WHEREFORE, my motion for the  
14 appointment of counsel should be granted.

15 I, GREGORY L. BROWN, declare under penalty  
16 of perjury that the foregoing is true and correct.  
17  
18  
19

20 Date: 7/8/08

21 Respectfully submitted,  
22 Gregory L. Brown  
23 GREGORY L. BROWN,  
24 PETITIONER  
25  
26  
27  
28

DECLARATION OF SERVICE

CASE NAME : GREGORY L. BROWN V. KEN CLARK, WARDEN

CASE No. : \_\_\_\_\_

I DECLARE :

On July 8, 2008, I served the attached GREG'S MOTION FOR AN APPOINTMENT OF COUNSEL by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the prison mail collection system at SATF - CORCORAN State Prison, in California, addressed as follows :

Clerk, U.S. District Court  
Northern District of California  
450 Golden Gate Ave., 16<sup>th</sup> Floor  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/8/08

Gregory L. Brown  
GREGORY L. BROWN